

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## BENJAMIN ANDREW LAIGO, III,

Plaintiff,

V.

## KING COUNTY, et al.,

## Defendants.

C16-1541 TSZ

ORDER

THIS MATTER comes before the Court on the Report and Recommendation (“R&R”), docket no. 163, of the Honorable Mary Alice Theiler, United States Magistrate Judge. Having reviewed the R&R, plaintiff’s objections thereto, docket no. 164, defendants’ response to plaintiff’s objections, docket no. 165, and plaintiff’s reply to defendants’ response, docket no. 166, the Court enters the following order.

## Discussion

By Order entered December 5, 2017, docket no. 76, the Court granted leave to plaintiff to amend his pleadings. Plaintiff timely filed an amended complaint, see docket nos. 78 and 79, and approximately ten months later, defendants moved for summary judgment, docket no. 155. As required by Order entered October 13, 2016, docket no. 5,

1 defendants served on plaintiff, concurrently with their motion for summary judgment, a  
2 notice consistent with *Rand v. Rowland*, 154 F.3d 952, 962-63 (9th Cir. 1998). See  
3 Notice - Warning to Plaintiff (docket no. 156). Plaintiff filed no response to defendants'  
4 motion for summary judgment, and the R&R recommends that defendants' motion be  
5 granted.

6 In his objections and his reply, plaintiff contends that defendants' motion for  
7 summary judgment is procedurally improper because it is "simply a copy" of an earlier  
8 motion for summary judgment that was stricken. Plaintiff's objection lacks merit. When  
9 the Court granted plaintiff leave to amend his pleadings, a previous motion for summary  
10 judgment brought by King County, when it was the only non-fictitious (*i.e.*, non-Doe)  
11 defendant, was stricken, but without prejudice to refiling the motion after any amended  
12 complaint was filed. See Order at 4, ¶ 3 (docket no. 76). King County is now only one  
13 of several named defendants, and all defendants have timely sought summary judgment.  
14 See Order (docket no. 154) (extending the dispositive motion filing deadline). The matter  
15 is ripe for the Court's review.

16 **Conclusion**

17 Having reviewed the thorough and well-reasoned R&R, and carefully considered  
18 plaintiff's objections to the R&R and his reply to defendants' response to his objections,  
19 the Court ORDERS as follows:

- 20 (1) The R&R is ADOPTED;  
21 (2) Defendants' motion for summary judgment, docket no. 155, is GRANTED;

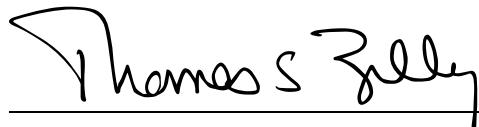
1           (3) Plaintiff's claims and his Amended Complaint, docket nos. 78 and 79, are  
2 DISMISSED with prejudice;

3           (4) Plaintiff's request to set this matter for trial, see Pla.'s Obj. at 7 (docket  
4 no. 164); Pla's Reply at 7 (docket no. 166), is DENIED; and

5           (5) The Clerk is DIRECTED to enter judgment consistent with this Order and  
6 to send a copy of this Order and the judgment to all counsel of record, plaintiff pro se,  
7 and Magistrate Judge Theiler.

8           IT IS SO ORDERED.

9           Dated this 16th day of May, 2019.



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11           Thomas S. Zilly  
12           United States District Judge  
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